

REMARKS

This is responsive to the final Office Action dated August 25, 2004 in which the Examiner holds his rejections to all the pending claims 1-20 and 22-47 as being obvious over combinations of Geiger et al (US Patent No. 6,073,142), Scannel et al (US Patent No. 5,377,354) and Sandhu (“Transaction Control Expressions for Separation of Duties” or “Lattice-Based Access Control Models”) under 35USC §103(a). Applicant has further amended independent claims 1 and 10 as well as dependent claim 5 to better define the present invention, and respectfully traverses the rejections based on the claims, as amended as explained in detail below.

In particular, Applicant respectfully submits that none of the cited patents discloses or implies the distinguishing feature of the present invention that the rule is loaded to the data access management software upon occurrence of a condition, as recited in all independent claims 1, 8 and 10 in similar language. In other words, the management software is altered to incorporate the rule after the condition occurs. In the Office Action (page 3), the Examiner only states that Geiger discloses to place the rule into the Rule Engines 210 (read as “data access management software”), but is silent on when such a “placing step” happens. In fact, Geiger only describes that “the rule engine 210 operates in conjunction with a rule base 270 to process incoming messages with business rules ...” in col. 6, line 58 – col. 7, line 3 as cited by the Examiner, but does not teach that the rules are placed into the rule engine 210 after a condition occurs (e.g., after the message is received). Therefore, because of the distinguishing feature that the rule is loaded to the data access management software upon occurrence of the condition, Applicant believes independent claims 1, 8 and 10 are patentable over the cited patents or their combinations under 35USC §103(a).

In addition to the above distinguishing feature, independent claim 10 further defines a feature of removing the rule from the data access management software upon occurrence of a second

condition, which is believed not disclosed in any of the cited patents. In other words, the rule stays temporarily or transiently in the data access management software. In particular, Applicant respectfully disagrees with the assertion of the Examiner that this feature is anticipated by Sandhu. In col. 3, page 17 as cited by the Examiner, Sandhu only describes that the “denial should persist long enough to avoid a conflict of interest”, which does not necessarily mean that the rule shall be removed from the management software. For example, the rule may remain in the management software, but does not apply after the first condition is rescinded. Therefore, the patentability of independent claim 10 is further strengthened. Similarly, dependent claims 5 and 9 also recite this distinguishing feature of eliminating the rule from the data access management software upon a predetermined condition, and therefore their patentability is also further strengthened in addition to the reasons explained above in view of independent claims 1 and 8, to which they respectively depend.

Moreover, dependent claims 45-47 further define that the rule is generated upon the occurrence of the condition, which is not disclosed in any of the cited patents. In other words, the rule is dynamically generated upon occurrence of the condition. In particular, Applicant respectfully disagrees with the assertion of the Examiner’s that this feature has been disclosed in Geiger et al. It is noted that in col. 17, lines 36-39 as cited by the Examiner, Geiger only describes that “the rule engine 210 generates an action list of one or more actions to be performed by the distribution engine 230 on the message”, but does not teach that the rule engine 210 generates the rules upon receiving the message. The function of rule engine 210 in Geiger is to operate in conjunction with a rule base 270 to process the message (see, e.g., col. 6, lines 58-61), but is not to generate the rule. In fact, it is clear in Geiger that the rule already exists in the rule base 270 before the message is received, and there is no need for the rule engine 210 to generate it again after the message is received. Therefore, the patentability of dependent claims 45-47 is further strengthened.

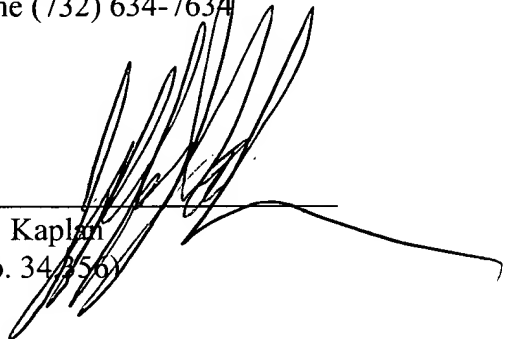
Applicant therefore respectfully requests reconsideration and allowance in view of the above remarks and amendments. A request for a 3-month extension for submitting this response is also enclosed together with required extension fee . The Examiner is authorized to deduct additional fees believed due from our Deposit Account No. 11-0223.

Respectfully submitted,

KAPLAN & GILMAN, L.L.P.
900 Route 9 North, Suite 104
Woodbridge, New Jersey 07095
Telephone (732) 634-7634

Dated: February 24, 2005

Jeffrey I. Kaplan
(Reg. No. 34,356)



CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal service as first class mail, in a postage prepaid envelope, addressed to the Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on February 24, 2005.

Dated February 24, 2005 Signed Ute H. Wojtkowski Print Name Ute H. Wojtkowski